

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**CONGHUA YAN,**

**Plaintiff,**

**v.**

**THE STATE OF TEXAS, *et al.*,**

**Defendants.**

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**Civil Action No. 4:24-cv-579-O-BP**

**ORDER TO OBTAIN COUNSEL**

Before the Court is Plaintiff's Amended Complaint filed on July 9, 2024. ECF No. 4. Plaintiff, Conghua Yan, filed his first complaint on June 20, 2024. ECF No. 1. Because the plaintiff is representing himself *pro se*, this case was automatically referred to the undersigned for pretrial management pursuant to Special Order No. 3 on the same day. In his Amended Complaint, Mr. Yan alleges a violation of the False Claims Act, 31 U.S.C. §§ 3729-3732, and seeks to represent the United States. ECF No. 4. However, a *pro se* party cannot bring an action such as this one as relator for the United States. *See United States ex rel. Brooks v. Ormsby*, 869 F.3d 356 (5th Cir. 2017), *cert. denied*, 583 U.S. 1120 (2018). As the court held in that case, "regardless of the right of anyone to represent himself *pro se*, he is not representing himself when he brings an action solely as relator for another non-intervening party, including the United States, and therefore cannot do so *pro se*." *Id.* However, a plaintiff like Mr. Yan may prosecute such a case if he is represented by counsel.

Accordingly, **on or before October 10, 2024**, Plaintiff shall obtain representation by a duly licensed and qualified attorney to prosecute this case or file a Second Amended Complaint that does not allege a violation of the False Claims Act. Such attorney shall file an entry of

appearance by that date. The Court cautions Plaintiff that failure to comply with this Order will result in the undersigned's recommendation that his False Claims Act claims be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with the Court's Order.

It is so **ORDERED** on September 10, 2024.

  
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Hal R. Ray, Jr.  
UNITED STATES MAGISTRATE JUDGE